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April, 4 2014

**Via U.S. & E-mail**

Rev. Jason J. McGuire  
New Yorkers for Constitutional Freedoms  
P.O. Box 107  
Spenceport, New York 14559

Dear Rev. McGuire:

On October 23, 2013, New Yorkers for Constitutional Freedoms ("NYFCF") submitted an application to the Joint Commission on Public Ethics ("Commission") for an exemption from the Source of Funding Disclosure requirements contained in in Legislative Law Article one-A §§1-h(c)(4), 1-j(c)(4) and 19 NYCRR Part 938. The Commission considered NYFCF's application at its January 28, 2014 meeting; the application was denied. Pursuant to 19 NYCRR Part 938.5(d), the Commission, by this letter, sets forth reasons and bases for the denial of the application.

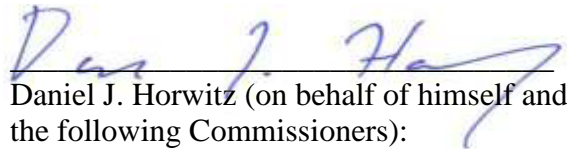
By way of background, the Public Integrity Reform Act of 2011 ("PIRA") (Chapter 399, Laws of 2011) amended Legislative Law article one-A by enacting unprecedented disclosure requirements that, through increased transparency, better inform the public about efforts to influence governmental decision-making. The Source of Funding Disclosure provisions of the Legislative Law require lobbyists who lobby on their own behalf and clients of lobbyists, who devote substantial resources to lobbying activity in New York State, to make publicly available each source of funding over \$5,000 for such lobbying. The purpose of these statutory provisions is clear: to provide the public with increased transparency and important information about those who seek to influence governmental decision-making.

The statute and the regulations permit entities to apply for an exemption from these disclosure requirements. NYFCF sought an exemption pursuant to 19 NYCRR Part 938.4(b), which is available for organizations that have exempt status under Section 501(c)(4) of the Internal Revenue Code of the United States. Under both the statutory and regulatory provisions, NYFCF was required to show that its "primary activities involve areas of public concern that

create a substantial likelihood that disclosure of its [sources of funding] will cause harm, threats, harassment or reprisals to the [sources of funding] or individuals or property affiliated with the [sources of funding]." 19 NYCRR Part 938.4(b); *see also* Legislative Law §§1-h(c)(4), 1-j(c)(4).

Pursuant to Executive Law §94(6), at least eight Commissioners must vote in favor of an application in order for the exemption to be granted. Here, NYCF's application failed to garner the sufficient number of votes. In the view of the Commissioners who did not support the exemption request, NYCF's application did not present sufficient evidence demonstrating that NYCF's compliance with the disclosure requirements would create a "substantial likelihood" of harm to its sources of funding (including individuals and property associated with those sources). Rather, the evidence presented was too remote and speculative to establish a substantial likelihood of harm.

Sincerely,



Daniel J. Horwitz (on behalf of himself and the following Commissioners):

Hon. Joseph Covello  
Mitra Hormozi  
Gary J. Lavine  
David Renzi  
George Weissman